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SUBJECT: SRI LANKA: PRESIDENT THREATENS RETURN TO DEATH
PENALTY AFTER JUDGE'S ASSASSINATION

Classified By: DCM JAMES F. ENTWISTLE. REASON: 1.4 (B,D).

1. (C) Summary: The Government of Sri Lanka (GSL) announced that President Chandrika Kumaratunga has decided to reactivate the death penalty following the November 19 assassinations of a High Court judge and his bodyguard in Colombo. The killings were likely prompted by the judge's involvement in several high-profile narcotics cases, and are the latest in a recent wave of murders in the capital and its environs. Since the death penalty remains technically legal in Sri Lanka (although it has not been invoked since 1976), the GSL announcement seems intended more to reassure a frightened and demoralized public than to effect an actual change in sentencing guidelines. End summary.

2. (U) On November 20 the Ministry of Public Security, Law and Order announced that President Chandrika Kumaratunga had decided to make the death penalty "effective" following the assassinations of High Court judge Sarath Ambepitiya and his bodyguard in Colombo the previous afternoon. (Note: Although Article 296 of the Penal Code, which allows for the death penalty for murder convictions, has never been formally revoked, it has not been applied since Sri Lanka's last execution in 1976. A bipartisan Parliamentary debate in mid-2003 on re-instituting capital punishment to curb crime encountered bitter and passionate opposition from both sides of the aisle. End note.) The President also reportedly directed the Ministry to set up a special police unit to protect judges.

3. (SBU) Judge Ambepitiya was killed as he alighted from his car in front of his home in an upscale Colombo neighborhood (where numerous Embassy personnel also live) at 3:15 p.m. November 19. According to eyewitness accounts, he was targeted by four assailants, who were waiting outside his home in a rented van, upon his return from court. The judge, who had earned a reputation for courage by sentencing Liberation Tigers of Tamil Eelam (LTTE) leader Prabhakaran to a 200-year sentence in absentia, had just sentenced a woman for heroin possession in a high-profile narcotics trafficking case earlier that day. He was also slated to hear at least one more narcotics case in the near future. The bold day-light assassination elicited a storm of condemnation in the local media and public soul-searching on the rising crime rate, as well as a decision by the Bar Association of Sri Lanka and judges across Sri Lanka not to attend court on November 22--the day of Ambepitiya's funeral--as a sign of respect. Police patrols were visibly beefed up across Colombo on November 19 and 20 (and somewhat less visibly on succeeding days). Casinos and some bars were closed over the weekend. Inspector General of Police Chandra Fernando told the Ambassador and RSO on November 22 that the assassination will spur more aggressive police pressure on organized crime in Colombo, with particular focus on narcotics trafficking.

4. (U) Ambepitiya's killing is just the latest in a recent rash of brazen killings in Colombo and its environs. On November 8 unidentified assailants killed a garment company executive as he got out of his car in front of his mother's home in a Colombo suburb. In October unknown perpetrators shot and killed Provincial Council Member Nimal Gunawardena on a Colombo street. On September 12 a suspected underworld operative was killed in broad daylight at a gas station located on the same street as the Ambassador's residence.

5. (C) Comment: Ambepitiya's assassination follows closely upon a highly publicized speech by the President, before the National Council on Crime Prevention on November 9, castigating the police and judiciary for corruption. The ruthless killing of a well-known senior judge who had managed to maintain an unblemished record puts obvious pressure on the President for a commensurate response. Since the death penalty has never been repealed, it is difficult to determine what, in practical terms, her decision to "reactivate" capital punishment means--other than the emotional satisfaction and psychological reassurance such an announcement may offer a frightened public. While it remains unclear who killed Ambepitiya, popular speculation is pointing toward organized crime operatives, who appear to be flourishing in an environment that includes readily available

firearms, a relatively relaxed security posture under the ceasefire, and somewhat permissive--if not complicit--local law enforcement.

LUNSTEAD